

01
02
03
04
05
06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR05-010-TSZ
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 JAMES MICHAEL ERICKSEN,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
13 _____)

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on April 22, 2009. The United States was represented by AUSA Patricia C. Lally and the
16 defendant by Peter J. Avenia. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about September 9, 2005 by the Honorable Thomas
18 S. Zilly on a charge of Felon in Possession of a Firearm, and sentenced to 36 months custody, 3
19 years supervised release. (Dkt. 33.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, participate in drug testing and a substance abuse program, including a drug dependency

01 program, abstain from alcohol, submit to search, and provide access to financial information if
02 requested.

03 In an application dated March 30, 2009 (Dkt. 40), U.S. Probation Officer Angela M.
04 McGlynn alleged the following violations of the conditions of supervised release:

05 1. Using heroin on or before March 25, 2009, in violation of standard condition No.
06 7.

07 2. Using marijuana on or before March 18, 2009, in violation of standard condition
08 No. 7.

09 3. Failing to report as directed on or about March 24, 2009, in violation of standard
10 condition No. 2.

11 4. Failing to submit monthly reports for November and December 2008, and January
12 and February 2009, in violation of standard condition No. 2.

13 Defendant was advised in full as to those charges and as to his constitutional rights.

14 Defendant admitted the alleged violations and waived any evidentiary hearing as to
15 whether they occurred.

16 I therefore recommend the Court find defendant violated his supervised release as alleged,
17 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be
18 set before Judge Zilly. The parties expect to request the Court to set the disposition of the matter
19 to a date after the defendant's completion of a drug treatment program.

20 ///

21 ///

22 ///

01 Pending a final determination by the Court, defendant has been released on the conditions
02 of supervision, including drug treatment.

03 DATED this 22nd day of April, 2009.

04 

05 Mary Alice Theiler
06 United States Magistrate Judge

07
08 cc: District Judge: Honorable Thomas S. Zilly
AUSA: Patricia C. Lally
09 Defendant's attorney: Peter J. Avenia
Probation officer: Angela M. McGlynn